

**COMMISSIONERS OF OXFORD**  
**Regular Meeting Minutes**  
**June 13, 2017**

The Commissioners Meeting was held in the meeting room of the Community Services Building on June 13, 2017. Commission President Gordon Graves called the meeting to order at 6:00 p.m.

**PRESENT**

Attending the meeting were Commission President Gordon Graves, Commissioner Carole Abruzzese, Commissioner Gordon Fronk, Public Works Superintendent Scott Delude, Police Chief Patrick Maxwell, Administrator/Clerk Cheryl Lewis, and Town Attorney Brynja Booth. There were also many citizens in attendance.

The meeting opened with the Pledge of Allegiance.

**APPROVAL OF MINUTES**

Commissioner Fronk made a motion to approve the minutes of May 23, 2017 as distributed, Commissioner Abruzzese seconded the motion, all were in favor, and motion carried.

A motion was made by Commissioner Abruzzese to file the reported disbursements for May 2017 for audit, Commissioner Fronk seconded the motion, all were in favor, and motion carried.

**MAINTENANCE REPORT**

Superintendent Delude reported the following:

- The department has been working on the drainage at Tred Avon Avenue over the past week addressing stormwater flows and transitions from lawns to the newly paved road.
- The town's early summer Strand beach water report has come back and shows that the town's water is well within the EPA guidelines.
- Construction has started at the wastewater plant, with the first stage of work being the draining of the front lagoon and removal of the remaining sludge, which is being dried on site and then transported to the landfill.
- Two of the town's public work employees went to Emmitsburg, MD for water/wastewater classes in the past week –one employee for a day and the other for a week, to help in obtaining their licenses from MDE for operation of the town's upgraded plant. There was a small accident involving one of the employees coming home from class in one of the town vehicles. No one was hurt and it was not the fault of the town's driver.

**POLICE REPORT**

Chief Maxwell reported the following:

- 14 – Patrol checks
- 2 - Animal complaints
- 12 – Police information/service
- 3 – CDS (Marijuana – civil citation issued)
- 1 – Theft (former employee – charges)
- 1 - Alarm
- 1 – Noise
- 2 – Assist other police agency

Chief Maxwell reported that he had presented a community talk at the Academy of the Arts in the past week as well as appearing and presenting the annual report to the Grand Jury.

The recent biathlon, to raise funds for CMTA, which took place this past Saturday, was well attended and ran smoothly without incident.

President Graves spoke stating that he attended the quarterly community meeting held by the county and had spoken with Sheriff Joe Gamble informing him that Oxford would be a participant in Project

Purple and he should coordinate anything needed with Chief Patrick Maxwell. Commissioner Fronk added that the first fireworks to be set off in the town's Fourth of July celebration will be purple ones.

#### **PUBLIC HEARING**

President Graves opened the Public Hearing on **Ordinance 1702 – AN ORDINANCE OF THE TOWN OF OXFORD TO AMEND SECTION 33.01.E OF THE OXFORD ZONING ORDINANCE TO CLARIFY THAT CERTAIN STORMWATER MANAGEMENT PRACTICES SET FORTH IN THAT SUBSECTION SHALL APPLY TO PERMANENT THRESHOLD DISTURBANCES OF 5,000 SQUARE FEET OR LESS.** Attorney Booth explained that the town had done some upgrades to its critical area ordinance in order to incorporate stormwater management practices. This was in conjunction with a critical area grant whereby The CAC had helped the town write some new regulations which the town then adopted. However, they did not like the fact that the ordinance created standards for permanent disturbances of less than 4,999 sq. ft. instead of 5,000 sq. ft. and were concerned about that 1 sq. ft. that would be unregulated. They asked that the town amend the ordinance from 4,999 sq. ft. to 5,000 sq. ft. The ordinance was open for public discussion. No public comments were received and the hearing was closed.

President Graves opened the Public Hearing on **Ordinance 1705 – AN ORDINANCE OF THE TOWN OF OXFORD TO REPEAL ORDINANCE NUMBER 1611 AND TO SET NEW WATER AND SEWER RATES FOR THE TOWN, COMMENCING JULY 1, 2017.** Administrator Lewis presented the ordinance explaining that the town has been increasing the water sewer rates 5 to 7 percent for the last 5 years in order to reach a fee that is suitable to cover the expenses the town will incur once the town starts operating its upgraded WWTP, and was again proposing a 7% increase. The upgrade is an eleven and a half million-dollar project, for which the town will have a two million dollar loan. Lewis noted that the opportunity to upgrade for two million dollars is really a coup for Oxford, but it is also important to have suitable income to cover the new debt and operating expenses, adding that in looking at Oxford's rates, they are in line with other small towns on the Eastern Shore where it is very expensive to provide this service for a very small population. The increase in the town's rate will begin July 1 and will be on the September 30, 2017 billing. A question was raised from a member of the audience as to the capacity of the new WWTP. Administrator Lewis responded it was 150,000 gallons per day, which is what the town's current permit is for. The new WWTP would still maintain some room for growth but not excessive growth; basically, the town will be permitted with higher standards at the same volume it has had before. There being no further comments the public hearing was closed.

#### **UNFINISHED BUSINESS**

President Graves presented **Ordinance 1702 – AN ORDINANCE OF THE TOWN OF OXFORD TO AMEND SECTION 33.01.E OF THE OXFORD ZONING ORDINANCE TO CLARIFY THAT CERTAIN STORMWATER MANAGEMENT PRACTICES SET FORTH IN THAT SUBSECTION SHALL APPLY TO PERMANENT THRESHOLD DISTURBANCES OF 5,000 SQUARE FEET OR LESS.** Commissioner Fronk moved to adopt Ordinance 1702, the motion was seconded by Commissioner Abruzzese, all were in favor, and the motion carried.

President Graves read aloud **Ordinance 1705 – AN ORDINANCE OF THE TOWN OF OXFORD TO REPEAL ORDINANCE NUMBER 1611 AND TO SET NEW WATER AND SEWER RATES FOR THE TOWN, COMMENCING JULY 1, 201.** Commissioner Fronk stated that his first reaction to any increase is resistance but his second reaction was to note what a great job Lewis had done to getting the town ready for this upgrade. Without having raised the rates incrementally along the way, next year would have seen the residents getting water/sewer bills that no one would have been happy with because the increase would have occurred all at once. Commissioner Abruzzese added that the town was at a point whereby the old WWTP plant was susceptible to fines, as it was exceeding its ability to meet the State's permitted regulations. She added that the town was fortunate to have Attorney Booth and Lewis who were able to put together a financial package providing the town with substantial grant funds to cover a large portion of the costs. Commissioner Abruzzese made a motion to adopt Ordinance 1705, the motion was seconded by Commissioner Fronk, all were in favor, and the motion carried.

#### **LETTERS AND REQUESTS**

A thank you note was received and read aloud from the Motor Club of America thanking the Commissioners and Police Chief Maxwell for welcoming the club members into Oxford, and stating how much they enjoyed their stay in Town Park and trip on the Oxford Ferry.

A request from Skipper Marquess, event coordinator of the Cardboard Boat Race (CBBR), requested permission to hold the annual CBBR event down, which supports the Special Olympics of MD, down on the Strand. The Commissioners unanimously approved the request.

A letter was received from town resident Rebecca Bell regarding the noise ordinance. President Graves deferred the reading of Ms. Bell's letter to be read and discussed following the attorney and clerk comments.

#### **ATTORNEY**

Attorney Booth reported that she and Administrator Lewis had attended their first monthly progress meeting on the WWTP. The billing process will start when the contractor submits requests for payment; these requests will be placed in an application for payment, which will be reviewed by the town's contracted engineer firm, GMB, along with the funders, USDA, MDE. For administrative purposes and to keep the project moving along, she suggested that the Commissioners authorize Administrator Lewis to sign those requests. This would only be for approved expenses that are consistent with the contract and approved by the funding sources. Any discrepancies or differences would come to the Commissioners for review. Attorney Booth presented the Commissioners with **Resolution 1708 – A RESOLUTION OF THE COMMISSIONERS OF OXFORD AUTHORIZING THE TOWN ADMINISTRATOR/CLERK-TREASURER TO SIGN APPLICATIONS FOR CONTRACTOR PAYMENTS AND RELATED DOCUMENTS IN CONNECTION WITH THE WASTEWATER TREATMENT PLANT PROJECT.** Attorney Booth added that the town has before them an application pending now and that if the Commissioners were in favor of this resolution, it could be adopted at this night's meeting. Commissioner Fronk made a motion to adopt the resolution. The motion was seconded by Commissioner Abruzzese. Abruzzese asked when the Commissioners would be notified of the amount of each request. Lewis commented that the requests would fall under the project budget being controlled by the USDA and that she could report to the Commissioners monthly and provide them the updated expedition per the USDA tracking sheet. All voted in favor of adopting the resolution and the motion carried.

#### **CLERK COMMENTS**

Lewis reported that she had received notice prior to this evening's meeting that the town had received an additional \$25,000 from the Maryland DNR Waterways Improvements Program which go towards paying off any balances the town has remaining on the boat ramp project. If there are any funds left over from that, the money could be put towards any future improvements.

Governor Hogan put out a release that the State was awarding funding to 18 recipients to the Chesapeake and Atlantic Coastal Bay trust fund. The 18 "shovel ready" projects total more than 21 million dollars of investments that will serve to improve the Chesapeake Bay. Administrator Lewis noted that the town had applied for a project three years ago to do a stormwater improvement project consisting of increased bio-retention areas from the public works facility to the Causeway. This would reduce the rushing stormwater that quickly overflows the ditches at the Causeway and parking lot area and reduce the amount of sediment being carried out to the creek. It was turned down the first time because more information was needed and turned down a second time because the project was not shovel ready. The project is now shovel ready and the third request has resulted in the town being given \$650,000 to do the project. An additional \$50,000 to \$100,000 will still be needed for the project, but these funds will be available through the town's stormwater fund. The actual permit for the project has been received by the town and once notices have been received the project will be put out to bid. Administrator Lewis added that it might not be until next spring that the project will be started.

#### **COMMISSIONERS AND PUBLIC COMMENTS**

President Graves read a letter aloud from Oxford resident Rebecca J. Bell pertaining to the enforcement of the Oxford Noise Ordinance Article IV, Section 4.13. In her letter, Ms. Bell wrote that the noise

emanating from Doc's Sunset Grille (located at 104 West Pier Street) was unacceptable to her as a year-round resident and waterfront property owner. She asked that the Commissioners consider her letter as a formal request for the Commissioners to assure the enforcement of the town's code, Article IV. Noise, Section 4.13 which states, "It shall be unlawful for any person or persons to make, continue or cause to be made or continued any loud, unnecessary or unnatural noise or any noise which endangers the health, safety or welfare of the community or which annoys, disturbs, injures or endangers the comfort, rest, health, peace or safety of others within the Town of Oxford."

President Graves stated that the Commissioners would be accepting comments from the audience and allowed those interested in speaking to keep their responses down to 2 to 3 minutes of speaking time.

*The comments have been summarized below:*

Rebecca Bell spoke first stating that she thought it was important to adhere to what the law said about the problem of noise. Loud or unnecessary noise is prohibited and she repeated the Oxford Town Code, Article IV – Noise, Section 4.13. She emphasized that she wanted to make sure the Commissioners enforced the code.

Ingrid Blanton stated that she lived on Pleasant Street, 3 houses down from the water, and that since Memorial Day there has been music every weekend. She added that the percussion could be heard, 5 to 6 hours a night, twice a week. Though Ms. Blanton acknowledged that she loved the grill and outside bar, she felt that the owners needed to consider the people in the residential area and the disturbance every weekend.

Pat Jessup, also a resident of Pleasant Street, stated that the noise carried over the water and by shutting her doors and windows it cut out most of the sound but asked that the owners consider turning down the sound somewhat. She wanted to support the business but had heard they are intending to have concerts and that she was very opposed to that in a residential area.

Wayne Sard stated that he did not see any difference between the outside music and the noise created by the sound of the early morning crabber's boat engines.

Tom Ray, resident of South Morris Street, asked what defined loud and unnecessary noise and that he had no position either way. Ms. Bell responded to his question stating that the ordinance refers to any noise which endangers the health, safety, welfare of the community, etc." Mr. Ray thought that was a rather broad definition.

Eleanor Dallam Smith, resident of West Street, stated that all day Sunday she could not sit outside because of the sound and that it traveled through her closed windows. She thought there should be limits with the music and that it was going to be like "Harpoon Hannah's" if the town wasn't careful. She added that there needed to be some control and that the evening was fine but the afternoon wasn't agreeable to most people living in town.

Nick Papson, resident on Willows Avenue, questioned what was considered as being too loud and suggested using a decibel level.

Susan Campbell, business owner and resident on Myrtle Avenue, stated that complaints about music were not new to Oxford. She stated that Schooners Restaurant (now known as "Capsized") use to have music on the weekends and on Sunday afternoons. She added that she was recently in a meeting with Administrator Lewis as to how to keep waterfront businesses sustainable and one key point was that the younger generation, known as the "millennium age," wants to be entertained and that the town needs to attract this group. Oxford is an aging community and as a town needs to draw young people to it in hopes that they will be able to buy here in the future.

Wendy Palmer, business owner and restaurateur, spoke stating she and her partner owned the Doc's Sunset Grille location for 13 years and that it was not easy running a reasonable restaurant and generating revenue. She too received complaints when her restaurant had music. She added that as a community it was tough being in business and if the businesses can't survive, there won't be any businesses in town.

George Curlin, property owner on Pleasant Street, stated that he and his partner were probably in the closest proximity to the music. He questioned how essential loud music was to what he had heard was a family business. He stressed that he had no complaints with the business but only the noise produced from the music which was turned right towards his house.

Tim Kearns, resident on Tred Avon Avenue, spoke stating that back when he, Henry Hale, and Sidney Campen were Commissioners they had heard a similar complaint. He agreed that the definition of annoyance was very broad and was curious as to how today's Commissioners would be interpreting the noise ordinance.

Joanne Siachos Patchett spoke stating that her family ran Pier Street Restaurant for 27 years and lived right next door to the restaurant. She added that there was always a complaint about music since her family was there and that music was never played all day on a Sunday. There had always been specific times when music was played. She noted that her husband has a work boat that starts up at 3:30 a.m. and that there were a lot more offensive sounds than just music.

Charlotte "Woody" Roberts, resident on Willows Avenue, spoke stating that she found the owners of Doc's Sunset Grille to be respectful and that the music is played during restricted times such as 3 p.m. to 6 p.m. She expressed her own appreciation and that of others of having life being brought back into town as she felt it had been dying. Her suggestion was that the town needed to look at what would be the greater good for the town.

Marilyn Keenen, resident in Bachelors Point, stated her delight in having the Doc's restaurant, along with Capsized restaurant, in town. She noted that she and her husband now stay in Oxford more instead of going out of town for dinner and that many people are loving what has taken place and don't want to see the businesses cut back as there was too much good coming out from this.

Russell Dashiell presented himself as the lawyer representing the Oristians. He spoke stating the family has three businesses, all of which are fine establishments, and that he wanted to clear up some misconceptions based on some information that was provided to him by Administrator Lewis. Both charter boats and work boats are in the vicinity of the restaurant. All mixes of people eat there. The noise ordinance has 4 subsections. If one were to try to enforce the ordinance in court, it would be knocked out as being unconstitutionally vague. Section 4-14a mentions operating music during certain times. The music at the restaurant is cut short of 10 p.m. cut-off time. The longest period of time that the music plays is 3 hours. In going out on his boat, Attorney Dashiell stated he could not hear the music 100 yards off from the restaurant's location. To enforce this ordinance with the Oristian's using the property reasonably would be unconstitutional. Attorney Dashiell's suggestion was to just let the owners operate their business and instead of complaining about them, try to help them out. They are family oriented and in compliance with the law right now and, if the noise ordinance is over-enforced, it should be challenged. As to selling concert tickets, Attorney Dashiell stated this was a misconception and fallacious. There are no concert venues planned, no cover charges, and no more than 3 hours of music at one time.

Al Smith, resident on West Street, spoke stating that he has lived in Oxford 35 years and has never heard music in town as loud as what has been playing at Doc's. He added that he thought it was a wonderful establishment but that the music just needed to be toned down.

Resident David Valliant spoke and asked the Commissioners if the owners were in violation. The Commissioners responded that they were not. Mr. Valliant pointed out that the restaurant employed close to 65 people and that life was too short to be complaining about something like this.

Resident Irene Crow stated she would be interested to learn about the decibel level and that the bands may need some special equipment to bring the level down.

Waterman Renny Gay stated that he served many of the seafood restaurants in the area. He felt music was needed, especially by the working class, and that it was a summertime thing. His feeling was that retired people complain about noise and just want to make trouble, especially when they complain about the restaurant's music that is ending around 7 p.m. He summed it up by saying it was all ridiculous.

Marilyn Keenan again spoke stating that when she and her husband were at the restaurant over the weekend they did not have to raise their voices over the band that was only 20 ft. from them.

Peter Dunbar spoke stating that as a resident on Town Creek and that depending on the wind, he could hear the music. He noted that one Commissioner in the past complained about the music and that it interfered with his afternoon nap. That, in turn, brought up the discussion as to whether Oxford wanted to be a living community or a dead one. He added that some things needed to be done to keep the town alive.

Both Pat Jessup and Eleanor Dallam Smith expressed their feelings that they did not want to see the business fail but just to address the level of the sound.

Beth Trujillo, resident and retired business owner, spoke stating she came from a musical family and that music was important but that bands should be bringing things to help keep the sound down, as she was away that there are sound reducing materials available.

Life-long resident Patricia Martin spoke stating she had known many restaurants in Oxford where there was no music at all but were still successful. She felt music was fine but the volume should be kept low for those people living next to it.

Rebecca Bell spoke again stating that if there were a way to buffer noise that would be terrific and that she was only complaining about the noise.

Chooch Oristian, Doc's owner/operator, spoke stating that he appreciated the neighbors and wanted to work with them and be a part of the community. He added that they weren't in Oxford to create a nuisance and was willing to try to find a solution.

Bonfield Avenue resident Kim Bryan sensed that it seemed like the discussion on noise was based on personal issues. She would hear noise from block parties and noise from the park, none of which bothered her, and had the experience of someone complaining about her wind chimes in the back of her yard.

President Graves thanked everyone for their comments and stated that no action would be planned at this time and not until the Commissioners have had time to digest all the comments that were made this evening.

A motion was made by Commissioner Fronk to adjourn the meeting, Commissioner Abruzzese seconded the motion, all were in favor, and the meeting was adjourned at 7:15 pm.

Respectfully submitted,

Cheryl Lewis, Town Administrator/Clerk-Treasurer